

**REMARKS**

This Response is in reply to the Office Action mailed on September 28, 2005. Claims 1-35 are pending and have been amended herein. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

**Information Disclosure Statement**

A Supplemental Information Disclosure Statement is submitted herewith listing the references discussed in the specification.

**Objection to the Drawings**

Corrected drawing sheets are submitted herewith that overcome the Examiner's objections. The markings in figure 3b now correspond to reference character 100. The markings in figure 4 now correspond to reference character 110. Examiner's attention is directed to page 10, line 25 where reference characters 52 and 53 are mentioned in the specification.

**Objection to the Specification**

The Abstract has been amended herein to overcome the Examiner's objection.

**Claim Objections**

Claims 1-35 have been amended herein to correct for minor informalities and to overcome the Examiner's objections.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 2-25, 28, 29, and 32 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 2-25, 28, 29, and 32 have been amended herein to remove the phrases considered indefinite by the Examiner.

**Rejection under 35 U.S.C. § 102(e)**

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,343,875 to Eppinger et al. (hereinafter "Eppinger"). The rejection is respectfully traversed.

Claim 1 has been amended to more distinctly recite Applicant's invention. Briefly, the invention recited in claim 1 is a positioning and aiming assembly *to be held in unfixed abutting contact* with an x-ray source. The assembly includes at least one aiming arm connectable to a holder for image data receiving means; and at least one handle including a means for connecting it to the aiming arm.

The handle of the assembly according to the claimed invention is not affixed to the x-ray device, either directly or indirectly via an aiming ring. The handle is used to hold the assembly in unfixed abutting contact with the x-ray device. In contradistinction, Eppinger discloses a guide arm 12 and a collimator positioning ring 13 that is intended to be affixed to the collimator. The device of Eppinger is not held in unfixed abutting contact with the x-ray source and, consequently, does not have, nor is there a need for, a handle. The portion of the Eppinger apparatus between the aiming ring 13 and the guide arm is part of the aiming ring which is

structured to be affixed to a collimator; it is not a distinct handle element, nor can it serve as one. Accordingly, claim 1 is not anticipated by Eppinger and the Examiner is respectfully requested to withdraw the rejection.

**Rejections under 35 U.S.C. § 103(a)**

Claims 2-4, 7, 30-32, and 34 stand rejected as obvious over Eppinger in view of U.S. Patent No. 3,473,026 to Updegrave (hereinafter "Updegrave '026"). Claims 5, 6, 26-29 and 33 stand rejected as obvious over Eppinger and Updegrave '026 in view of U.S. Patent No. 5,289,522 to Kanbar et al. (hereinafter "Kanbar"). Claims 8, 9, 12, 13, 18-23, and 35 stand rejected as obvious over Eppinger and Updegrave '026 in view of U.S. Patent No. 6,038,287 to Miles (hereinafter "Miles"). Claim 14 stands rejected as obvious over Eppinger, Updegrave '026, and Miles in view of U.S. Patent No. 4,048,506 to Updegrave (hereinafter "Updegrave '506"). Claims 15 and 16 stand rejected as obvious over Eppinger, Updegrave '026, Miles, and Updegrave '506 in view of U.S. Patent No. 5,090,047 to Angotti et al. (hereinafter "Angotti"). Claim 17 stands rejected as obvious over Eppinger, Updegrave '026, Miles, Updegrave '506, and Angotti in view of Kanbar. For at least the reasons discussed below, the rejections are respectfully traversed.

As discussed above, independent claim 1 is a positioning and aiming assembly *to be held in unfixed abutting contact* with an x-ray source. The assembly includes at least one aiming arm connectable to a holder for image data receiving means; and at least one handle including a means for connecting it to the aiming arm. The handle of the assembly is not affixed to the x-ray device, either directly or indirectly via an aiming ring. The handle is used to hold the assembly

in unfixed abutting contact with the x-ray device. None of the cited references, either alone or in combination, disclose a handle that is not affixed to the x-ray device. In fact, none of the references disclose a handle at all, because they are not intended to be held; they are affixed to the collimator via a ring. The portion connecting the ring to the arm in the references cited by the Examiner are merely portions of a ring which is fixed to a collimator. Accordingly, independent claim 1 is patentable over the cited references. By reason of their dependency, either directly or indirectly, from independent claim 1, claims 2-11 are also patentable. It is respectfully requested that the rejections be withdrawn.

Independent claim 12 is similarly patentable over the cited references. Briefly, claim 12 recites a positioning and aiming assembly for use with an x-ray source. The assembly includes an intra oral x-ray device which is to be positioned with respect to an intra oral image data receiving means which includes an x-ray source being placed in a housing. The assembly further includes at least one aiming arm connectable to a holder for the image data receiving means and at least one handle including a means for connecting the handle to the aiming arm. The handle has a contact construction which is able to create at least two contact points, at least one contact line and /or at least one contact surface with a surface of the x-ray source housing such as a collimator and/or any other part attached to the x-ray source.

In rejecting independent claim 12, Examiner relied heavily on Miles to show a handle in contact with the outer surface of a collimator of an x-ray source. However, it is clear that docking slot (fig. 1 #28) of Miles is not analogous to the handle of the claimed invention and, therefore, does not make obvious the invention. The handle of the present invention contacts a

surface of the x-ray source housing and is used to position and aim the assembly. In contradistinction, the docking slot of Miles is not a handle and is not used to position and aim the assembly. The docking slot of Miles is a part of the collimator, as opposed to the handle of the present invention which is a separate element which contacts the surface of the x-ray source housing. Accordingly, independent claim 12 is patentable over the cited references. By reason of their dependency from claim 12, either directly or indirectly, claims 13-25 are also patentable. It is respectfully requested that the Examiner withdraw the rejection of these claims.

Independent claims 26 and 30 both recite the limitation of a handle which is used as a gripping part in maneuvering an aiming arm. None of the cited reference, either alone or in combination, teach or suggest a handle that is used as a gripping part *in maneuvering an aiming arm*. Accordingly, independent claims 26 and 30 are patentable over the cited references. By reason of their dependency from independent claims 26 or 30, either directly or indirectly, claims 27-29 and 31-35 are also patentable over the cited references. It is respectfully requested that the Examiner withdraw the rejections.

**CONCLUSION**

In view of the amendments to claims 1-35 made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response is being filed with a Petition for a three-month extension of time. In the event that any other extensions and/or fees are required for the entry of this Amendment, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-2820 in the name of Wolf, Block, Schorr & Solis-Cohen LLP. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
WOLF, BLOCK, SCHORR & SOLIS-COHEN  
LLP.

By:   
Noam R. Pollack  
Reg. No. 56,829

Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue, 10th Floor  
New York, New York 10177  
(212) 986-1116